

Public Law 102-419
102d Congress

An Act

To establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes.

Oct. 16, 1992
[H.R. 2321]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Dayton Aviation
Heritage
Preservation Act
of 1992.
Conservation.
16 USC 410ww
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dayton Aviation Heritage Preservation Act of 1992".

16 USC 410ww
note.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish a unit of the National Park System in Dayton, Ohio, consisting of certain lands and structures associated with Wilbur and Orville Wright and the early development of aviation; and

(2) to create partnerships among Federal, State, and local governments and the private sector to preserve, enhance, and interpret for present and future generations the historic and cultural structures, districts, and artifacts in Dayton and the Miami Valley in the State of Ohio, which are associated with the Wright brothers, the invention and development of aviation, or the life and works of Paul Laurence Dunbar, and which, as a whole, represent a nationally significant resource.

TITLE I—DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK

**SEC. 101. ESTABLISHMENT OF THE DAYTON AVIATION HERITAGE
NATIONAL HISTORICAL PARK.**

16 USC 410ww.

(a) **ESTABLISHMENT.**—There is established, as a unit of the National Park System in the State of Ohio, the Dayton Aviation Heritage National Historical Park (hereinafter in this Act referred to as the "park").

(b) **AREA INCLUDED.**—The park shall consist of the following sites, as generally depicted on a map entitled "Proposed Dayton Aviation Heritage National Historical Park", numbered NHP-DAH 80,000, and dated February 1992:

(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company Building, Hoover Block, and lands between.

(2) Huffman Prairie Flying Field, Wright-Patterson Air Force Base, Ohio.

(3) The Wright 1905 Flyer and Wright Hall, Dayton, Ohio.

(4) The Paul Laurence Dunbar home, Dayton, Ohio.

16 USC
410ww-1.

SEC. 102. PROTECTION OF HISTORIC PROPERTIES.

(a) **ACQUISITION OF PROPERTIES WITHIN THE PARK.**—Within the boundaries of the park the Secretary shall, subject to the availability of appropriated funds, acquire the Wright Cycle Company Building and Hoover Block, and may acquire other properties, or interests therein, referred to in section 101(b), by donation, purchase with donated or appropriated funds, exchange, or transfer.

(b) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into cooperative agreements with other Federal agencies, State and local public bodies, and private interests and organizations relating to the preservation, development, use, and interpretation of properties within the boundaries of the park in order to contribute to the appropriate use and management of such properties consistent with the purposes of this Act. Such agreements shall provide, whenever appropriate, that—

(1) the public may have access to any such property at specified reasonable times for purposes of viewing such property or the exhibits or attending programs established by the Secretary under this subsection; and

(2) the Secretary may make such improvements to any such property as the Secretary deems necessary after consultation with the Commission to enhance the public use and enjoyment of such property and programs.

16 USC
410ww-2.

SEC. 103. PARK GENERAL MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 complete fiscal years after the date of enactment of this Act, the Secretary, with the advice of the Commission, shall prepare and submit to the Congress a general management plan for the park which includes but is not limited to the information described in section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)), and which takes into account the preservation and development plan developed under section 202.

(b) **PARK PARTNERSHIPS.**—The management plan shall identify partnership opportunities between the Secretary and other Federal, State, and local governments and the private sector for the development, use, and interpretation of properties within the park.

16 USC
410ww-3.

SEC. 104. STUDIES.

The Secretary shall study the following properties to determine the feasibility and suitability of including them within the park:

(1) Properties within the Wright-Dunbar Historic District.

(2) Wright Company Factory, Dayton, Ohio. A report of the study of such properties shall be submitted as part of the general management plan required by section 103.

Reports.

16 USC
410ww-4.

SEC. 105. GENERAL ADMINISTRATIVE FUNCTIONS.

(a) **IN GENERAL.**—The park shall be administered in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including, but not limited to, the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

(b) **DONATIONS.**—The Secretary may accept donations of funds, property, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purposes of managing the park.

(c) **PROGRAMS.**—The Secretary may sponsor, coordinate, or enter into cooperative agreements for educational or cultural programs related to the park as the Secretary considers appropriate to carry out the purposes of this Act.

(d) **IDENTIFICATION AND MARKING OF SIGNIFICANT HISTORICAL SITES.**—The Secretary may identify other significant sites related to the Wright brothers, the history of aviation, or Paul Laurence Dunbar in the Miami Valley which are related to the park, and, with the consent of the owner or owners thereof, may mark the sites appropriately and make reference to them in any interpretive literature. The Secretary may provide interpretive markers along transportation routes leading to units of the park.

(e) **INTERPRETATION OF HUFFMAN PRAIRIE FLYING FIELD.**—The Secretary may provide interpretation of Huffman Prairie Flying Field on Wright Brothers Hill, Wright-Patterson Air Force Base, Ohio.

SEC. 106. COOPERATION OF FEDERAL AGENCIES.

16 USC
410ww-5.

Any Federal entity conducting or supporting activities directly affecting the park shall—

(1) consult with, cooperate with, and to the maximum extent practicable, coordinate its activities with the Secretary; and

(2) conduct or support such activities in a manner which—

(A) to the maximum extent practicable is consistent with the standards and criteria established pursuant to section 202(b)(9); and

(B) to the maximum extent practicable will not have an adverse effect on the historic resources of the park.

SEC. 107. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE.

16 USC
410ww-6.

The decisions concerning the execution of this Act as it applies to properties under control of the Secretary of Defense shall be made by such Secretary, in consultation with the Secretary of Interior.

SEC. 108. ASSISTANCE.

16 USC
410ww-7.

(a) **TECHNICAL AND PRESERVATION ASSISTANCE.**—The Secretary may provide to any owner of property within the park, and to any organization having an agreement with the Secretary under section 102(b), such technical assistance as the Secretary considers appropriate to carry out the purposes of this Act.

(b) **INTERPRETATIVE MATERIALS.**—The Secretary is authorized to publish interpretative materials for historic aviation resources in the Miami Valley.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

16 USC
410ww-8.

There is authorized to be appropriated such sums as may be necessary to carry out this title: *Provided*, That the amount to be appropriated for the operation, development or restoration of non-federally owned properties within the boundaries of the park shall not exceed \$200,000.

TITLE II—DAYTON AVIATION HERITAGE COMMISSION

16 USC
410ww-21.

SEC. 201. DAYTON AVIATION HERITAGE COMMISSION.

(a) **ESTABLISHMENT.**—There is established the Dayton Aviation Heritage Commission to assist Federal, State, and local authorities and the private sector in preserving and managing the historic resources in the Miami Valley, Ohio, associated with the Wright brothers, aviation, or Paul Laurence Dunbar.

(b) **MEMBERSHIP.**—The Commission shall consist of 13 members as follows:

(1) 3 members appointed by the Secretary, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the National Park Service.

(2) 3 members appointed by the Secretary from recommendations submitted by the Governor of the State of Ohio, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the Ohio Historical Society.

(3) 1 member appointed by the Secretary of Defense, who shall represent Wright-Patterson Air Force Base.

(4) 3 members appointed by the Secretary from recommendations submitted by the City Commission of Dayton, Ohio, at least one of whom shall reside near the core parcel of the park (as described in section 101(b)(1)).

(5) 1 member appointed by the Secretary from recommendations submitted by the Board of Commissioners of Montgomery County, Ohio.

(6) 1 member appointed by the Secretary from recommendations submitted by the Board of Commissioners of Greene County, Ohio.

(7) 1 member appointed by the Secretary from recommendations submitted by the City Council of Fairborn, Ohio.

(c) **TERMS.**—(1) Members shall be appointed for terms of 3 years. A member may be reappointed only 3 times unless such member was originally appointed to fill a vacancy pursuant to subsection (e)(1), in which case such member may be reappointed 4 times. A member may serve after the expiration of his term until a successor is appointed.

(2) The Secretary shall appoint the first members of the Commission within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsections (b) (2), (4), (5), (6), and (7).

(d) **CHAIR AND VICE CHAIR.**—The chair and vice chair of the Commission shall be elected by the members of the Commission. The terms of the chair and vice chair shall be 2 years. The vice chair shall serve as chair in the absence of the chair.

(e) **VACANCY.**—(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary responsible for such appointment shall fill any such vacancy within 30 days after receiving a recommendation for the position.

(2) A member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

A member may serve after the expiration of his term until his successor has taken office.

(f) **QUORUM.**—A majority of the members of the Commission then serving shall constitute a quorum, but a lesser number may hold hearings.

(g) **MEETINGS.**—The Commission shall meet not less than 3 times a year at the call of the chair or a majority of its members.

(h) **PAY.**—(1) Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(i) **FACA.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(j) **TERMINATION.**—The Commission shall cease to exist on January 1, 2004.

SEC. 202. DAYTON HISTORIC RESOURCES PRESERVATION AND DEVELOPMENT PLAN.

16 USC
410ww-22.

(a) **IN GENERAL.**—Within 2 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a preservation and development plan which may include the Wright-Dunbar Historic District, the Dunbar Historic District, the Ed Sines House and the Daniel Fitch House, and the 45 sites identified in Appendix A of the document entitled "Study of Alternatives Dayton's Aviation Heritage, Ohio" published by the National Park Service. Within 90 days after the receipt of such plan, the Secretary shall approve such plan or return it with comments to the Commission. If the Secretary has taken no action after 90 days upon receipt, the plan shall be considered approved. If the Secretary disapproves a plan, the Commission shall submit a revised plan to the Secretary. The plan shall include specific preservation and interpretation goals and a priority timetable for their achievement. The Secretary shall forward copies of the approved plan to the Congress.

(b) **CONTENTS OF PLAN.**—The plan referred to in subsection (a) shall—

(1) set detailed goals for the preservation, protection, enhancement, and utilization of the resources of sites referred to in subsection (a);

(2) identify properties which should be preserved, restored, developed, maintained, or acquired;

(3) include a tentative budget for the subsequent five fiscal years;

(4) propose a management strategy for a permanent organizational structure to enhance and coordinate such resources, and aviation-related properties, and institutions;

(5) recommend methods for establishing partnerships with Federal, State, and local governments and the private sector to foster development and to preserve and enhance such resources;

(6) propose transportation links, including pedestrian facilities and bicycle trails among historic aviation sites including an interurban between the Wright-Dunbar Historic District and the historic resources at Wright-Patterson Air Force Base;

(7) address the use of private vehicles, traffic patterns, parking, and public transportation;

(8) propose educational and cultural programs to encourage appreciation of such resources;

(9) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of the properties among such resources;

(10) establish an index which shall contain documentary evidence of historical and cultural significance and which includes property in the Miami Valley associated with the Wright brothers, the history of aviation, or Paul Laurence Dunbar.

(c) **CONSULTATION.**—In developing the plan, the Commission shall consult with appropriate officials of any local government or Federal or State agency which has jurisdiction over historic aviation resources in the Miami Valley area. The Commission shall also consult with property owners and business, historic, professional, neighborhood, and citizen organizations affected by the actions proposed in the plan.

16 USC
410ww-23.

SEC. 203. GENERAL POWERS OF THE COMMISSION.

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

(b) **DONATIONS.**—Notwithstanding any other provision of law, the Commission may seek and accept donations of funds, property, or service from individuals, foundations, corporations, and other private entities and public entities for the purpose of carrying out its duties.

(c) **USE OF FUNDS TO OBTAIN MONEY.**—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(d) **MAIL.**—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) **USES OF ACQUIRED ASSETS.**—Any revenues or other assets acquired by the Commission by donations, the lease or sale of property, or fees for services shall be available to the Commission, without fiscal year limitations, to be used for any function of the Commission.

(f) **HISTORICAL AND CULTURAL PROGRAMS.**—The Commission is authorized to carry out historical, educational, or cultural programs which encourage or enhance appreciation of the historic resources in the Miami Valley associated with the Wright brothers, aviation, or the life and works of Paul Laurence Dunbar.

(g) **TECHNICAL AND PRESERVATION ASSISTANCE.**—The Commission may provide technical and preservation assistance to owners of property within the districts, sites, and properties referred to in section 202(a) consistent with the purposes of this Act.

(h) **OBTAINING PROPERTY.**—(1) The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties except that

the Commission may not acquire any real property or interest in real property otherwise than under paragraph (2).

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the districts, sites, and properties referred to in section 202(a)—

(A) by gift or devise; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in such district and sites.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

SEC. 204. STAFF OF COMMISSION.

16 USC
410ww-24.

(a) **DIRECTOR.**—The Commission shall have a Director who shall be appointed by the Commission.

(b) **ADDITIONAL PERSONNEL.**—The Commission may appoint and fix the pay of such additional personnel as the Commission deems necessary. Such staff may include specialists in areas such as interpretation, historic preservation, black history and literature, aviation history and technology, and urban revitalization.

(c) **TEMPORARY SERVICES.**—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(d) **DETAIL.**—Upon request of the Commission, the head of any Federal agency represented by a member on the Commission may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

(e) **ADMINISTRATIVE SUPPORT.**—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) **STATE AND LOCAL SERVICES.**—The Commission may accept the services of personnel detailed from the State or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

(g) **INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.**—The director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for grade GS-15 of the General Schedule.

16 USC
410ww-25.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated annually to the Commission to carry out its duties under this Act \$350,000, except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

Approved October 16, 1992.

LEGISLATIVE HISTORY—H.R. 2321:

HOUSE REPORTS: No. 102-449 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 138 (1992):

Mar. 3, 4, considered and passed House.

Sept. 9, considered and passed Senate, amended.

Sept. 10, Senate vitiated passage.

Oct. 1, considered and passed Senate, amended.

Oct. 4, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Oct. 16, Presidential statement.